

REMARKS

This amendment is a full and timely response to the Office Action dated August 23, 2007 ("Office Action"). The Applicant would like to thank the Examiner for indicating that claim 21 would be allowed if rewritten in independent form. However, Applicants wish to present remarks to detail the patentability of independent claim 19 in lieu of rewriting dependent claim 21 at this time. The Applicant would like to reserve the right to amend claim 21 in a future paper.

Claims 1-2, 4-15, and 17-23 are pending in this application. Claims 3 and 16 have been canceled without prejudice or disclaimer. Claims 1, 4-5, 9-10, 15, 17-18, and 22 have been amended. The amendments to the claims do not introduce new subject matter and are fully supported by the Applicant's specification. For the following reasons, the Applicant respectfully requests favorable reconsideration of the presently pending claims. Further, the Applicant believes that there are also reasons other than those set forth below why the pending claims are patentable, and reserves the right to set forth those reasons, and to argue for the patentability of claims not explicitly addressed herein, in future papers.

Moreover, the Applicant notes numerous inconsistencies in the Office Action that require clarity. "The goal of examination is to **clearly articulate** any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity." MPEP § 706 (Emphasis added). Despite the numerous inconsistencies, in the interest of furthering prosecution, the Applicant has reasonably interpreted the rejections made by the Examiner, and has noted such interpretations herein. If the Applicant has misinterpreted the Examiner's rejections, the Applicant is entitled to another non-final Office Action to allow the Examiner to clarify the rejection and for the Applicant to respond accordingly. See MPEP § 706.07. ("Before final rejection is in order a clear issue should be developed between the examiner and applicant").

I. Claim Objections

The Examiner has rejected claims 1, 10, 17-18, and 22 citing specific informalities. The Applicant has amended claims 1, 10, 17-18, and 22 and respectfully requests the claim objection be

withdrawn and the claims allowed. The Examiner also rejected claim 3 citing an informality, but claim 3 has been cancelled. Therefore, the rejection of claim 3 is rendered moot.

II. Claim Rejections – 35 U.S.C. § 112

The Examiner has rejected claims 1 and 15 under 35 U.S.C. § 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Applicant has amended claims 1 and 15 in light of the Examiner's rejection and respectfully requests that the rejection be withdrawn and the claims allowed.

III. Claim Rejections – 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-2, and 15 under 35 U.S.C. § 102(b) as being anticipated by Meier, et al. (U.S. 6,046,992) (hereinafter, "the '992 patent"). However, the Examiner refers to figures and elements not disclosed by the '992 patent. This is one example of the major inconsistencies in the Office Action previously mentioned. The Examiner makes reference to "Figure 6", although the '992 patent does not have a "Figure 6". Applicant believes that the Examiner meant to reject claims 1-2, and 15 as being anticipated by Meier (U.S. 6,407,991) (hereinafter, "Meier"). For the following reasons, Applicant traverses the rejection of claims 1-2, and 4-23.

A. Independent Claim 1

The Examiner rejected claim 1 as being anticipated by Meier. Claim 1 has been amended to include the limitations of claim 3, which has been canceled. With regard to claim 3 as filed, the Examiner admits that Meier fails to anticipate "a plurality of node pairs," and "wherein each of the node pairs is connected by a hardwire connection." Office Action, p. 5. As such, Meier fails to disclose each and every limitation of claim 1 as amended herein. Accordingly, the rejection of claim 1 under 35 U.S.C. § 102(b) should be withdrawn and the claim allowed.

B. Dependent Claims 2-14

Claims 2 and 4-14 depend either directly or indirectly from claim 1. As such, Meier fails to disclose each and every limitation of claims 2-14. Accordingly, the rejection of claims 2-14 should be withdrawn and the claims allowed for at least the same reasons above.

C. Independent Claim 15

The examiner rejected claim 15 as being anticipated by Meier. Claim 15 has been amended to include the limitations of claim 16, which has been canceled. With regard to claim 16 as filed, the Examiner implicitly admits that Meier fails to anticipate “a reestablishing means for reestablishing a communication link between at least two of the plurality of nodes when an original communication link between the two of the plurality of nodes is broken.” Specifically, the Examiner does not mention claim 16 in the discussion of anticipation by Meier under § 102(b), but states that it is a “substantial duplicate[] of claim[] 12...,” which was rejected under § 103(a). Office Action, pp. 11-12. With regard to § 102(b) Meier fails to disclose each and every limitation of claim 15 as amended herein. Accordingly, the rejection of claim 15 under 35 U.S.C. § 102(b) should be withdrawn and the claim allowed.

D. Dependent Claims 17-18

Claims 17-18 depend directly from claim 15. As such, Meier fails to disclose each and every limitation of claims 17-18. Accordingly, the rejection of claim 17-18 should be withdrawn and the claims allowed for at least the same reasons stated above.

IV. Claim Rejections – 35 U.S.C. § 103(a)

The Examiner has rejected claims 3-14, 16-20, and 22-23 under 35 U.S.C. § 103(a). Claim 1 has been amended to include the subject matter of claim 3, and claim 15 has been amended to include the subject matter of claim 16. Therefore, the Examiner’s rejection under 35 U.S.C. § 103(a) applies to claims 1, 4-15, 17-20, and 22-23. However, when making the rejection, the Examiner states that the claims “are rejected under **35 U.S.C. 102(b)** as being **anticipated** by Meier (US 6,046,992).” Office Action, pp. 5, 8, 9, 10, and 12 (Emphasis added). The Applicant assumes that

the Examiner intended to state that claims 1, 4-6, 14, and 18-19 are rejected as being obvious variations of Meier, claims 7-8 are rejected as being unpatentable over Meier in view of Kirani et al. (U.S. Pub. 2002/0032027) (hereinafter, "Kirani"), and claims 9-13, 15, 17, 20, and 22-23 are rejected as being unpatentable over Meier in view of West (U.S. 5,574,979) (hereinafter, "West"). As discussed above, the Applicant also assumes that the Examiner is referring to Meier (US 6,407,991) as opposed to the '992 patent.

A. Independent Claim 1

Independent claim 1 is directed to a multinode arrangement for establishing a communication network for transmitting information between a first object and a second object. As amended, the multinode arrangement of claim 1 includes:

- (1) a plurality of nodes defining a plurality of node pairs;
- (2) wherein the plurality of nodes includes at least a the first node and a second node defining one of the plurality of node pairs, wherein the first node and the second node are connected by and communicate through a hardwire connection; and
- (3) wherein the plurality of nodes includes at least a third node in another of the plurality of node pairs that communicates with at least the first node or the second node through an RF communication link.

Notably, claim 1 recites the plurality of nodes defining "a plurality of node pairs," and wherein the nodes in the node pair are "connected by and communicate through a hardwire connection." The prior art cited by the Examiner fails to disclose at least these elements of claim 1.

The Examiner admits that Meier fails to disclose "a plurality of node pairs," and "wherein each of the node pairs is connected by a hardwire connection." Office Action, p. 5. The Examiner further states that Meier "could be modified to contain at least two nodes, so that the plurality of nodes comprises a plurality of node pairs" and that "it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement a multimode [sic; multinode] arrangement." Office Action, p. 6. The Applicant respectfully disagrees. In *KSR v. Teleflex*, the

Supreme Court recognized the importance of identifying “a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.” 82 U.S.P.Q.2d 1385, 1396 (2007). The Examiner fails to identify any reason to group the nodes into “a plurality of node pairs,” and “wherein the first node and the second node are connected by and communicate through a hardwire connection,” especially in the absence of another prior art reference showing a plurality of node pairs. Therefore, when making a rejection based on a sole §103(a) reference, merely stating that the prior art “could be modified” does not meet the Examiner’s burden to establish a *prima facie* case of obviousness. Accordingly, the rejection of claim 1, as amended, should be withdrawn and the claim allowed.

B. Dependent Claims 2, and 4-14

Claims 2, and 4-14 depend either directly or indirectly from claim 1. Therefore, the rejection of these claims should be withdrawn and the claims allowed for at least the same reasons above.

Regarding claims 4-5, and 9-12, the Examiner indicates that the phrase “adapted to” is not a positively recited claim limitation. The Applicant has amended claims 4-5, and 9-12 to positively recite the limitation. Accordingly, the rejection of these claims should be withdrawn and the claims allowed.

Regarding claims 5-8, the Examiner admits that Meier and the other cited prior art fails to disclose each and every limitation of those claims. Instead, the Examiner has taken official notice of the elements of claims 5-8 not disclosed by Meier or the other cited prior art. Regarding claims 5-6, the Examiner states that it is “well known in the art [to] arrang[e] the nodes in an end-to-end fashion in a passage...” Office Action, p. 8. Regarding claims 7-8, the Examiner states that “the first and second objects can be flexibly placed either inside or outside the passage based on service requirements and resource availability.” Office Action, pp. 9-10. To the extent the Examiner intends to take Official Notice of the limitations of claims 5-8, the Applicant requests that the Examiner provide documentary evidence to support the taking of Official Notice as is required by 37 CFR § 1.104(d)(2) and MPEP § 2144.03.

Claim 9 has been amended as indicated above. However, the Examiner states that, even if amended to remove the phrase “adapted to,” the subject matter of this limitation is still disclosed by

West. Office Action, p. 12. The Applicant respectfully disagrees. West fails to disclose more than one node pair. Therefore, West cannot disclose “each node of a node pair [being] proximate a node of a different node pair...” To the extent that the Examiner takes Official Notice of the limitations of claim 9, the Applicant requests that the Examiner provide documentary evidence to support the taking of Official Notice as is required by 37 CFR § 1.104(d)(2) and MPEP § 2144.03.

C. Independent Claim 15

Independent claim 15 recites a multinode arrangement for establishing a communication network for transmitting information between a first object and a second object. As amended, the multinode arrangement includes:

(1) a communication means for communicating information from the first object to the second object across a plurality of nodes that communicate through RF and hardwire communication links; and

(2) a reestablishing means for reestablishing a communication link between at least two of the plurality of nodes when an original communication link between the two of the plurality of nodes is broken.

Notably, claim 15 recites “reestablishing means for reestablishing a communication link between at least two of the plurality of nodes when an original communication link between the two of the plurality of nodes is broken.” The prior art cited by the Examiner fails to disclose at least this element of claim 15.

The Examiner implicitly admits that Meier fails to disclose “a reestablishing means for reestablishing a communication link between at least two of the plurality of nodes when an original communication link between the two of the plurality of nodes is broken” by rejecting claim 16 (from which this limitation originated) as being unpatentable under Meier in view of West. Office Action, pp. 11-12. The Examiner then states that West discloses “reestablishing a connection if the link quality degrades below an acceptable level,” and argues that this means that West discloses “a reestablishing means for reestablishing a communication link between at least two of the plurality of nodes when an original communication link between the two of the plurality of nodes is broken.” The Applicant respectfully disagrees. The citation in West provided by the Examiner states “[a]

device will remain attached to a particular base station until the link quality degrades below an acceptable level, *then it will attempt to determine if an alternative NET is available.*" West, col. 31, lines 21-24 (Emphasis added). Nowhere does West indicate reestablishing the communication link "between at least two of the plurality of nodes when an original communication link between the two of the plurality of nodes is broken." West merely discloses the first node communicating with "an alternative NET" when the communication between the first node and the second node is broken. Therefore, West does not disclose reestablishing communication between the same nodes when the communication link is broken. Instead, West discloses establishing communication with a third node when the communication link is broken between the first two nodes. Accordingly, the rejection of claim 15, as amended, should be withdrawn and the claim allowed.

D. Dependent Claims 17-18

Claims 17-18, as amended, depend directly on claim 15. Therefore, the rejection of these claims should be withdrawn and the claims allowed for at least the same reasons above.

E. Independent Claim 19

Independent claim 19 recites a method for providing a communication network between a first object and a second object. The method includes the steps of:

- (1) providing a plurality of node pairs, wherein each of the node pairs comprises at least two nodes that are connected by and communicate through a hardwire connection;
- (2) distributing the plurality of node pairs between the first object and the second object; and
- (3) establishing a communication network by linking nodes of node pairs with nodes of other node pairs, wherein the linking comprises RF communication links.

Notably, claim 19 recites “providing a plurality of node pairs,” “distributing the plurality of node pairs,” and “establishing a communication network by linking nodes of node pairs with nodes of other node pairs.”

The Examiner admits that Meier fails to disclose “a plurality of node pairs.” Office Action, p. 5. However, the Examiner states that Meier “could be modified to contain at least two nodes, so that the plurality of nodes comprises a plurality of node pairs” and that “it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement a multimode [sic; multinode] arrangement.” Office Action, p. 6. The Applicant respectfully disagrees. As previously discussed, in *KSR v. Teleflex*, the Supreme Court recognized the importance of identifying “a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.” 82 U.S.P.Q.2d 1385, 1396 (2007). The Examiner fails to identify any reason to “provid[e] a plurality of node pairs,” “distribut[e] the plurality of node pairs,” and “establish[] a communication network by linking nodes of node pairs with nodes of other node pairs,” especially in the absence of another prior art reference showing a plurality of node pairs. Therefore, when making a rejection based on a sole §103(a) reference, merely stating that the prior art “could be modified” does not meet the Examiner’s burden to establish a *prima facie* case of obviousness. Accordingly, the rejection of claim 19 should be withdrawn and the claim allowed.

F. Dependent Claims 20, and 22-23

Claims 20, and 22-23 depend directly or indirectly on claim 19. Therefore, the rejection of these claims should be withdrawn and the claims allowed for at least the same reasons above.

V. Allowed Subject Matter

The Applicant would like to thank the Examiner for indicating that claim 21 would be allowed if rewritten in independent form. However, Applicants wish to present remarks to detail the patentability of independent claim 19 in lieu of rewriting dependent claim 21 at this time.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 65632-0176 from which the undersigned is authorized to draw.

Dated: November 20, 2007

Respectfully submitted,

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